



THE STATE
of **ALASKA**
GOVERNOR MICHAEL J. DUNLEAVY

Department of Public Safety

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October 1, 2019

Emma Best
MuckRock
Highland Ave.
Somerville, MA 02344

Re: DPS Public Records Request 25110

Dear Ms. Best:

On September 23, 2019, the Alaska Department of Public Safety (DPS) received your request for “[r]ecords describing, authorizing or mentioning expenses or personnel assignments in response to or accommodation of visits from officials in the federal government between January 1, 2001 and the present.”

DPS asks that you clarify your request “to identify the public records requested, speed the response, and lessen the administrative burden of processing an overly broad request.” 2 AAC 96.315. Specifically, please respond to the following questions:

1. You seek records spanning an almost 19-year period. At least initially, can you narrow your request to a substantially shorter period?
2. Can you identify by federal agency, name, title, and/or position the federal officials whose visits are the subject of your request? For example, do you seek only records regarding former President Obama’s 3-day visit to Alaska in August-September 2016? Or do you seek only records regarding visits by cabinet-level officials. If so, which ones?
3. Do you seek records regarding visits of federal officials that resulted in total DPS expenses exceeding a certain amount? If so, what amount?
4. Do you seek records regarding visits of federal officials that involved assignments of certain DPS employees? If so, can you identify those DPS employees by name, title, and/or position?
5. Do you seek records regarding visits of federal officials that involved certain types of assignments—e.g., transportation—of DPS employees? If so, can you identify the types of assignments?

6. Do you seek certain types of records: e.g., emails, text messages, or memoranda?
7. Do you seek only records that are not protected from disclosure under the Alaska Public Records Act? Or do you also seek protected records?

Please note that to the extent you seek records, including emails, that DPS or another state agency must electronically search for using terms or other criteria—i.e., to undertake efficient and/or effective searches—you seek electronic services and products under the Alaska Public Records Act. *See* AS 40.25.115; 2 AAC 96.400 – 2 AAC 96.470. Such searches involve providing a “computer-related service”: e.g., “functional electronic access to the information system of the public agency.” AS 40.25.220(1)(E) (noting that “functional access” includes the capability for alphanumeric query and printing”). Also, State Security Office (SSO) searches of the State’s entire email system and/or for a former employee’s emails involve “providing information that cannot be retrieved or generated by the existing computer programs of the public agency.” AS 40.25.220(1)(D). This is because only SSO—not DPS—can electronically search the entire State email system, and only SSO can search for a former DPS employee’s emails that no current DPS employee or contractor possesses. Likewise, to the extent employees must search their personal phones for text messages, such searches would involve providing information that DPS’s computer programs cannot retrieve or generate. And to the extent you seek text messages, DPS must “duplicat[e] public records in alternative formats not used by a public agency”: to search for and provide text messages in a usable format, DPS employees must extract messages from phones and copy them to a readable and transferrable format. AS 40.25.220(1)(B). Requesters must pay “the actual incremental costs of providing the electronic services and products.” AS 40.25.115(b).

Upon receiving a sufficiently clear request, DPS will determine if responding might result in recoverable costs under AS 40.25.110(b), AS 40.25.110(c), and/or AS 40.25.115(b) and will notify you of such costs. DPS will also ask SSO for a description of an email search and an estimate of the cost to conduct it. (SSO email searches typically cost \$88.78.) You will need to approve and pay any estimate before DPS begins the work or asks SSO to begin the search. DPS will review the collected records for responsiveness and protected information.

Finally, DPS cannot grant your fee waiver request because you have not complied with the requirements of 2 AAC 96.370 and 2 AAC 96.470.

If you have any questions, please contact me at 907-465-4322 or tanya.silva@alaska.gov.

Sincerely,
Tanya Silva
Administrative Assistant II